

Patent
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Applicant: John Dupre

Serial No.: 08/737,446

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Title: **TREATMENT OF DIABETES**

Group Art Unit: 1644

Examiner: Nolan, P.

Official
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Commissioner for Patents
Washington, D.C. 20231TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)

Dear Sir:

Amylin Pharmaceuticals, Inc., a corporation duly organized under the laws of the State of Delaware and having a principal office at 9373 Towne Centre Drive, San Diego, California 92121, being duly represented by the undersigned, is the assignee of the full title and interest in and to the above-identified Application Serial No. 08/737,446, by virtue of a deed of Assignment recorded at Reel/Frame 8440/0325, which deed of Assignment includes rights to the invention of Application Serial No. 08/737,446 and to Letters Patents granted and issued therefor. Amylin Pharmaceuticals, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on instant Application Serial No. 08/737,446 that would extend beyond the expiration date of the full statutory term of any patent issuing from copending Application Serial No. 09/280,020, as presently shortened by any terminal disclaimer. Amylin Pharmaceuticals, Inc. also hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that such patent and any patent issuing from copending Application Serial No. 09/280,020 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

CERTIFICATE OF TRANSMISSION
(37 C.F.R. §1.8)

I hereby certify that this paper is being transmitted to the United States Patent and Trademark Office on the date shown below via facsimile.

Date of Deposit

May 28, 2002

Lisa M. McCeehan

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Terminal Disclaimer
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In making this disclaimer, Amylin Pharmaceuticals, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term of any patent issuing from copending Application Serial No. 09/280,020, as presently shortened by any terminal disclaimer filed, in the event that any patent issuing from copending Application Serial No. 09/280,020: expires for failure to pay a maintenance fee, is held to be unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any other manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

The undersigned, an attorney of record, is authorized to take this action on behalf of Amylin Pharmaceuticals, Inc. The Commissioner is authorized to charge the small entity fee (\$55) required under 37 C.F.R. §1.20(d) for filing this Terminal Disclaimer, as well as any additional fees that may be required during the pendency of this application, or to credit any overpayment, to Deposit Account No. 50-1273.

Respectfully Submitted,

AMYLIN PHARMACEUTICALS, INC.

By: 

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